

Appendix B

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

CRAIG PFEFFER,

Plaintiff,

v.

VOICESTREAM WIRELESS
CORPORATION,

Defendant.

CASE NO. 03-10541
DIVISION H

ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE

THIS CAUSE came before the Court on August 30, 2004, on Defendant T-Mobile's Motion To Compel Arbitration And Dismiss Plaintiff's Claims Or, Alternatively, Stay Proceedings (the "Motion"), and after reviewing the Motion and hearing argument of counsel, and being fully advised in the premises, the Court ORDERS AND ADJUDGES as follows:

1. The Motion is GRANTED, and this action is dismissed without prejudice.
2. The Court finds that Plaintiff's arbitration agreement is valid and enforceable. The Court also finds that the subject arbitration agreement is neither procedurally nor substantively unconscionable, in part, because a version of the arbitration agreement was in place from the outset of the Plaintiff's contractual dealings with the Defendant's predecessor.
3. The Court further finds that Plaintiff's argument that a lack of mutuality of obligation should vitiate the contract is without merit. *See Value Car Sales v. Bouton*, 608 So. 2d 860 (Fla. 5th DCA 1992).

4. Finally, the Court finds that the pending claims are arbitrable and that the Defendant has not waived its arbitration rights.

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida
on September ____, 2004.

ORIGINAL SIGNED
CONFORMED COPY
SEP 28 2004

WILLIAM P. LEVENS
HONORABLE WILLIAM P. LEVENS
CIRCUIT JUDGE

Conformed Copies to:

Michael S. Hooker
James A. Staack